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BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			ART UNIT 2174	PAPER NUMBER

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/046,175

Applicant(s)

WATANABE, YOSHIAKI

Examiner

Ryan F. Pitaro

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/2/2006</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Amendment*

This action is in response the Amendment C filed March 28,2006. Claims 28-29 were added as new.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,22,28,29 are rejected under 35 U.S.C. 102(e) as being anticipated by Sobeski et al ("Sobeski", US 6,819,343).

As per independent claim 1, Sobeski discloses client/server system comprising a plurality of computers connected to a network, wherein: a server on the network possesses button information which is data on menu buttons operating in connection with a client application introduced into a client computer, and the server has a function of transmitting the button information to the client computer (Column 5 line 64 – Column 6 line 18); and the client application comprises a program which causes the client computer to provide a function of communicating with the server to obtain the button information from the server (Column 5 line 36 – Column 6 line 18), a function of displaying menu buttons on a display in combination with a GUI screen of the client application according to the button information obtained (Column 5 lines 64-66, and a function of performing operations defined for the displayed menu buttons (Column 5 line 35 – Column 6 line 18; Column 10 line 13-25).

Claim 22 is similar in scope to that of claim 1 and is therefore rejected under similar rationale.

As per claim 28, Sobeski teaches an apparatus connected to a network, comprising: a memory storing a set of instructions; and a processor to execute the stored set of instructions to perform a method comprising: accessing a server on the network (Column 5 line 64 – Column 6 line 18); obtaining button information from the server (Column 5 line 64 – Column 6 line 18); displaying menu buttons on a display based on the obtained button information (Column 5 line 64 – Column 6 line 18),

wherein the menu buttons are associated with pre-defined operations to be performed at the apparatus (Column 5 line 64 – Column 6 line 18).

As per claim 29, Sobeski teaches an apparatus connected to a network, comprising; a memory for storing button information representing data on menu buttons for operation with an application executed on a client computer and a set of instructions; a processor to execute the stored set of instructions to perform a method comprising: receiving a request for button information to the client computer in response to the request (Column 5 line 64 – Column 6 line 18).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sobeski et al ("Sobeski", US 6,819,343) in view of Reha et al ("Reha", US 6,282,709).

As per claim 2, which is dependent on claim 1, Sobeski teaches the client application transmits an update request to the server, and in response to the update request the server provides the button information to the client application (Column 10

lines 13-25). However, Sobeski does not expressly disclose an actual update button. Reha does teach a GUI screen of the client application has an update button operated by a user to instruct the menu buttons to be updated (Reha, Column 7 lines 21-27). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Reha with the system of Sobeski. Motivation to do so would have been to provide a simple way of letting the users of Sobeski to update the menu and button information when requesting to do so.

5. Claims 11,17,21,23,25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sobeski et al ("Sobeski", US 6,819,343) and Reha et al ("Reha", US 6,282,709) in view of Shima et al ("Shima", US 6,295,479).

As per claim 11, which is dependent on claim 1, Sobeski-Reha teach menu and button updates but fail to expressly teach the specifics of the button parameters. However, Shima teaches a system wherein the button information includes button IDs as unique identification codes defined for the menu buttons (Shima, Column 14 lines 22-34), condition flags used to determine whether the menu buttons are enabled or disabled (Shima, Column 14 lines 35-56), action types which are condition flags used to determine operation of the menu buttons, and information used to identify images of the menu buttons (Shima, Column 14 lines 35-56). Therefore it would have been obvious to an artisan at the time of the invention to combine the parameters of Shima with the

modified system of Sobeski. Motivation to do so would have been to establish a common list of parameters, which distinctly define the buttons from each other.

As per claim 17, which is dependent on claim 11, Sobeski-Reha-Shima teaches the GUI screen of the client application has an update button operated by a user to instruct the menu buttons to be updated (Reha, Column 7 lines 21-27); and when the update button is operated, the client application transmits an update request to the server, and in response to the update request the server provides the button information to the client application (Sobeski, Column 10 lines 13 –25).

As per claim 21, which is dependent on claim 11, Sobeski-Reha-Shima teaches a system wherein the server transmits list information on button IDs of new menu buttons to be incorporated to the client application which has requested the menu buttons to be updated (Reha, Column 9 lines 33-43), to the client application which has requested the current menu buttons to be updated (Sobeski, Column 10 lines 13-25); upon receiving the list information on button IDs, the client application compares the button IDs described in the list information with the button IDs in the button information saved in a storage device of the client computer, and requests the server to obtain the button information on the button IDs described in the list information only if these button IDs are different from the button IDs in the button information (Reha, Column 9 lines 33-65); and the server transmits the button information on the requested button IDs to the client application (Sobeski, Column 5 line 35 – Column 6 line 18; Reha, Column 9 lines 33-65;).

As per claim 23, which is dependent on claim 22, Sobeski-Reha-Shima teaches a system wherein the button information includes button IDs as unique identification codes defined for the menu buttons (Shima, Column 14 lines 22-34), condition flags used to determine whether the menu buttons are enabled or disabled (Shima, Column 14 lines 35-56), action types which are condition flags used to determine operation of the menu buttons, and information used to identify images of the menu buttons (Shima, Column 14 lines 35-56); the server transmits, to the client application which has requested the menu buttons to be updated (Sobeski, Column 5 line 35 – Column 6 line 18), list information on button IDs of new menu buttons to be incorporated (Reha, Column 9 lines 33-43), to the client application which has requested the current menu buttons to be updated (Sobeski, Column 10 lines 13-25); upon receiving the list information on button IDs, the client application compares the button IDs described in the list information with the button IDs in the button information saved in a storage device of the client computer, and requests the server to obtain the button information on the button IDs described in the list information only if these button IDs are different from the button IDs in the button information (Reha, Column 9 lines 33-65); and the server transmits the button information on the requested button IDs to the client application (Sobeski, Column 5 line 35 – Column 6 line 18; Reha, Column 9 lines 33-65).



As per claim 25, which is dependent on claim 24, Sobeski-Reha-Shima teaches a system wherein the button information includes button IDs as unique identification codes defined for the menu buttons (Shima, Column 14 lines 22-34), condition flags used to determine whether the menu buttons are enabled or disabled (Shima, Column 14 lines 35-56), action types which are condition flags used to determine operation of the menu buttons, and information used to identify images of the menu buttons (Shima, Column 14 lines 35-56); the server transmits, to the client application which has requested the menu buttons to be updated (Sobeski, Column 5 line 35 – Column 6 line 18), list information on button IDs of new menu buttons to be incorporated (Reha, Column 9 lines 33-43), to the client application which has requested the current menu buttons to be updated (Sobeski, Column 10 lines 13-25) ; upon receiving the list information on button IDs, the client application compares the button IDs described in the list information with the button IDs in the button information saved in a storage device of the client computer, and requests the server to obtain the button information on the button IDs described in the list information only if these button IDs are different from the button IDs in the button information (Reha, Column 9 lines 33-65); and the server transmits the button information on the requested button IDs to the client application (Sobeski, Column 5 line 35 – Column 6 line 18; Reha, Column 9 lines 33-65).

As per claim 26, which is dependent on claim 1, Sobeski-Reha-Shima discloses the system wherein the server automatically determines the menu button information to send to the client application (Reha, Column 9 lines 52-65).

Claim 27 is similar in scope to that of claim 26, and is therefore rejected under similar rationale.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sobeski et al ("Sobeski", US 6,819,343) in view of Manolis et al ("Manolis", US 6,583,799).

As per claim 3, which is dependent on claim 1, Sobeski fails to disclose the application comprising an image viewer with a browsing function. However, Manolis teaches a system wherein: the client application comprises an image viewer which causes the client computer to provide an image transmitting and receiving function and an image browsing function (Figure 9); and the menu buttons are image transmitting GUI buttons for which a destination of an image is set (Figure 9; *upload and browse*). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Sobeski with the teaching of Manolis. Motivation to do so would have been a design choice since the environment of the menu does not affect the functionality of the personalized interface.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sobeski et al ("Sobeski", US 6,819,343) and Reha et al ("Reha", US 6,282,709) and Shima et al ("Shima", US 6,295,479) and Brennan et al ("Brennan", US 2002/0077829) in view of Manolis et al ("Manolis", US 6,583,799).

As per claim 14, which is dependent on claim 12, Sobeski-Reha-Shima-Brennan fails to disclose the application comprising an image viewer with a browsing function. However, Manolis teaches a system wherein: the client application comprises an image viewer which causes the client computer to provide an image transmitting and receiving function and an image browsing function (Figure 9); and the menu buttons are image transmitting GUI buttons for which a destination of an image is set (Figure 9; *upload and browse*). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Sobeski-Reha-Shima-Brennan with the teaching of Manolis. Motivation to do so would have been a design choice since the environment of the menu does not affect the functionality of the personalized interface.

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sobeski et al ("Sobeski", US 6,819,343) and Reha et al ("Reha", US 6,282,709) and Shima et al ("Shima", US 6,295,479) in view of Manolis et al ("Manolis", US 6,583,799).

As per claim 18, which is dependent on claim 11, Sobeski-Reha-Shima fails to disclose the application comprising an image viewer with a browsing function. However, Manolis teaches a system wherein: the client application comprises an image viewer which causes the client computer to provide an image transmitting and receiving function and an image browsing function (Figure 9); and the menu buttons are image

transmitting GUI buttons for which a destination of an image is set (Figure 9; *upload and browse*). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Sobeski-Reha-Shima with the teaching of Manolis. Motivation to do so would have been a design choice since the environment of the menu does not affect the functionality of the personalized interface.

9. Claims 4,5,6,9,10,24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sobeski et al ("Sobeski", US 6,819,343) in view of Brennan et al ("Brennan", US 2002/0077829).

As per claim 4, which is dependent on claim 1, Sobeski teaches a personalization system, but does not distinctly point out specifically storing and distributing the information. However, Brennan discloses a system wherein: the server comprises: a database which stores personal information on users who activate the client application to access the server ([0033] lines 6-11); and a distribution button determining device which determines contents of the menu buttons to be distributed to the users on the basis of the users' personal information ([0034] lines 13-14); and the button information on the menu buttons determined by the distribution button determining device is delivered to the client application ([0033] lines 24-28). Therefore it

would have been obvious to an artisan at the time of the invention to combine the interface personalization system of Brennan with the system of Sobeski. Motivation to do so would have been to tailor an interface to a user so that unwanted elements are not included making the interface simpler.

As per claim 5, which is dependent on claim 4, Sobeski-Brennan discloses a system wherein: the personal information on the users is registered in the database using an online user registering function of the client application (Brennan, [0033] lines 4-6); upon registration, each user is provided with a user ID which is a unique identification code (Brennan, Figure 3; *access number*); and subsequent requests from the client application to the server are provided with the user ID so as to authenticate the user ID (Brennan, [0033] lines 4-6; *authentication procedure*).

As per claim 6, which is dependent on claim 1, Sobeski-Brennan discloses a system wherein: an effective start date and time and an effective end date and time are set as parameters for the button information (Brennan, [0029] lines 1-5); and the client application provides a function of displaying the menu buttons only during this period (Brennan, [0029] lines 1-5).

As per claim 9, which is dependent on claim 6, Sobeski-Brennan discloses a system wherein: the server comprises: a database which stores personal information on users who activate the client application to access the server (Brennan, [0033] lines 6-

11); and a distribution button determining device which determines contents of the menu buttons to be distributed to the users on the basis of the users' personal information (Brennan, [0034] lines 13-14); and the button information on the menu buttons determined by the distribution button determining device is delivered to the client application (Brennan, [0033] lines 24-28).

As per claim 10, which is dependent on claim 9, Sobeski-Brennan discloses a system wherein: the personal information on the users is registered in the database using an online user registering function of the client application (Brennan, [0033] lines 4-6); upon registration, each user is provided with a user ID which is a unique identification code (Brennan, Figure 3; *access number*); and subsequent requests from the client application to the server are provided with the user ID so as to authenticate the user ID (Brennan, [0033] lines 4-6; *authentication procedure*).

As per claim 24, which is dependent on claim 22, Sobeski teaches a personalization system, but does not distinctly point out specifically storing and distributing the information. However, Brennan discloses a system wherein: the server comprises: a database which stores personal information on users who activate the client application to access the server ([0033] lines 6-11); and a distribution button determining device which determines contents of the menu buttons to be distributed to the users on the basis of the users' personal information ([0034] lines 13-14); and the button information on the menu buttons determined by the distribution button

determining device is delivered to the client application ([0033] lines 24-28). Therefore it would have been obvious to an artisan at the time of the invention to combine the interface personalization system of Brennan with the system of Sobeski. Motivation to do so would have been to tailor an interface to a user so that unwanted elements are not included making the interface simpler.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sobeski et al ("Sobeski", US 6,819,343) in view of Brennan et al ("Brennan", US 2002/0077829) in view of Reha et al ("Reha", US 6,282,709).

As per claim 7, which is dependent on claim 6, Sobeski-Brennan teaches the client application transmits an update request to the server, and in response to the update request the server provides the button information to the client application (Sobeski, Column 10 lines 13-25). However, Sobeski-Brennan does not expressly disclose an actual update button. Reha does teach a GUI screen of the client application has an update button operated by a user to instruct the menu buttons to be updated (Reha, Column 7 lines 21-27). Therefore it would have been obvious to an

artisan at the time of the invention to combine the teaching of Reha with the system of Sobeski-Brennan. Motivation to do so would have been to provide a simple way of letting the users of Sobeski to update the menu and button information when requesting to do so.

11. Claims 12,13,15,16,19,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sobeski et al ("Sobeski", US 6,819,343) and Reha et al ("Reha", US 6,282,709) and Shima et al ("Shima", US 6,295,479) in view of Brennan et al ("Brennan", US 2002/0077829).

As per claim 12, which is dependent on claim 11, Sobeski-Reha-Shima fails to disclose an effective end and start time. However, Brennan discloses a system wherein: an effective start date and time and an effective end date and time are set as parameters for the button information (Brennan, [0029] lines 1-5); and the client application provides a function of displaying the menu buttons only during this period (Brennan, [0029] lines 1-5). Therefore it would have been obvious to an artisan at the time of the invention to combine the interface personalization system of Brennan with the system of Sobeski-Reha-Shima. Motivation to do so would have been to tailor an interface to a user so that unwanted elements are not included, making the interface simpler.



As per claim 13, which is dependent on claim 12, Sobeski-Reha-Shima-Brennan teaches the GUI screen of the client application has an update button operated by a user to instruct the menu buttons to be updated (Reha, Column 7 lines 21-27); and when the update button is operated, the client application transmits an update request to the server, and in response to the update request the server provides the button information to the client application (Sobeski, Column 10 lines 13-25).

As per claim 15, which is dependent on claim 12, Sobeski-Reha-Shima-Brennan discloses a system wherein: the server comprises: a database which stores personal information on users who activate the client application to access the server (Brennan, [0033] lines 6-11); and a distribution button determining device which determines contents of the menu buttons to be distributed to the users on the basis of the users' personal information (Brennan, [0034] lines 13-14); and the button information on the menu buttons determined by the distribution button determining device is delivered to the client application (Brennan, [0033] lines 24-28).

As per claim 16, which is dependent on claim 15, Sobeski-Reha-Shima-Brennan discloses a system wherein: the personal information on the users is registered in the database using an online user registering function of the client application (Brennan, [0033] lines 4-6); upon registration, each user is provided with a user ID which is a unique identification code (Brennan, Figure 3; *access number*); and subsequent

requests from the client application to the server are provided with the user ID so as to authenticate the user ID (Brennan, [0033] lines 4-6; *authentication procedure*).

As per claim 19, which is dependent on claim 11, Sobeski-Reha-Shima teaches a personalization system, but does not distinctly point out specifically storing and distributing the information. However, Brennan discloses a system wherein: the server comprises: a database which stores personal information on users who activate the client application to access the server ([0033] lines 6-11); and a distribution button determining device which determines contents of the menu buttons to be distributed to the users on the basis of the users' personal information ([0034] lines 13-14); and the button information on the menu buttons determined by the distribution button determining device is delivered to the client application ([0033] lines 24-28). Therefore it would have been obvious to an artisan at the time of the invention to combine the interface personalization system of Brennan with the system of Sobeski-Reha-Shima. Motivation to do so would have been to tailor an interface to a user so that unwanted elements are not included making the interface simpler.

As per claim 20, which is dependent on claim 19, Sobeski-Reha-Shima-Brennan discloses a system wherein: the personal information on the users is registered in the database using an online user registering function of the client application (Brennan, [0033] lines 4-6); upon registration, each user is provided with a user ID which is a unique identification code (Brennan, Figure 3; *access number*); and subsequent

requests from the client application to the server are provided with the user ID so as to authenticate the user ID (Brennan, [0033] lines 4-6; *authentication procedure*).

12. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sobeski et al ("Sobeski", US 6,819,343) and Brennan et al ("Brennan", US 2002/0077829) in view of Manolis et al ("Manolis", US 6,583,799).

As per claim 8, which is dependent on claim 6, Sobeski-Brennan fails to disclose the application comprising an image viewer with a browsing function. However, Manolis teaches a system wherein: the client application comprises an image viewer which causes the client computer to provide an image transmitting and receiving function and an image browsing function (Figure 9); and the menu buttons are image transmitting GUI buttons for which a destination of an image is set (Figure 9; *upload and browse*). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Sobeski-Brennan with the teaching of Manolis. Motivation to do so would have been a design choice since the environment of the menu does not affect the functionality of the personalized interface.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm Monday through Thursday and on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Art Unit: 2174

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